

# FELONY

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

INDICTMENT FOR POSSESSION OF A FIREARM BY A PROHIBITED  
PERSON AND FOR REENTRY OF REMOVED ALIEN

UNITED STATES OF AMERICA

v.

FELIPE ALVAREZ-CERVANTES

a/k/a Felipe Cervantes  
a/k/a Jose Garciamata  
a/k/a Jesus Alvarez Vazquez  
a/k/a Victor Gallegscorona  
a/k/a Daniel Hernandez Bareda  
a/k/a Daniel Bareda Hernandez

\* CRIMINAL DOCKET NO.

\* SECTION:

\* VIOLATION: 18 U.S.C. § 922(g)(5)  
8 U.S.C. §1326(a)

\*

\*

\*

\* \* \*

The Grand Jury charges that:

COUNT 1

On or about the 4<sup>th</sup> day of June, 2011, in the Eastern District of Louisiana, the defendant, **FELIPE ALVAREZ-CERVANTES, a/k/a Felipe Cervantes, a/k/a Jose Garciamata, a/k/a Jesus Alvarez Vazquez, a/k/a Victor Gallegscorona, a/k/a Daniel Hernandez Bareda, a/k/a Daniel Bareda Hernandez**, then being an alien illegally and unlawfully in the United States did knowingly possess in and affecting interstate commerce a firearm, that is, a Glock (model 23) 40

caliber handgun (Serial Number KFH391), said firearm having been shipped and transported in interstate commerce; in violation of Title 18, United States Code, Sections 922(g)(5).

## COUNT 2

On or about November 17, 2011, in the Eastern District of Louisiana, the defendant, **FELIPE ALVAREZ-CERVANTES, a/k/a Felipe Cervantes, a/k/a Jose Garciamata, a/k/a Jesus Alvarez Vazquez, a/k/a Victor Gallegscorona, a/k/a Daniel Hernandez Bareda, a/k/a Daniel Bareda Hernandez**, an alien, was found in the United States after having been officially deported and removed therefrom to Mexico on or about September 22, 2009, at or near Brownsville, Texas, and without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, as provided for in Title 6, United States Code, Sections 202(3), 202(4), and 557, having expressly consented to the defendant's reapplication for admission into the United States; all in violation of Title 8, United States Code, Section 1326(a).

## NOTICE OF SENTENCING ENHANCEMENT

Now comes the United States of America, by and through Jim Letten, the United States Attorney for the Eastern District of Louisiana, to give notice that the defendant **FELIPE ALVAREZ-CERVANTES, a/k/a Felipe Cervantes, a/k/a Jose Garciamata, a/k/a Jesus Alvarez Vazquez, a/k/a Victor Gallegscorona, a/k/a Daniel Hernandez Bareda, a/k/a Daniel Bareda Hernandez** was convicted on or about May 7, 2003, in Cobb County, Georgia State Court for possession of marijuana; was convicted on or about July 10, 2006, in Gwinnett County, Georgia State Court for simple battery domestic violence; and was convicted on June 9, 2006 in

Villa Rica, Georgia Municipal Court of possession of marijuana. Because of these convictions, if the defendant is convicted for a violation of Title 8, United States Code, Section 1326(a), the defendant's sentence will be subject to a maximum sentence of imprisonment for not more than 10 years. Title 8, United States Code, Section 1326(b)(1).

### **NOTICE OF FIREARM FORFEITURE**

1. The allegations of Count 1 of this Indictment are realleged and incorporated by reference as though set forth fully herein for the purpose of alleging forfeiture to the United States of America pursuant to the provisions of Title 18, United States Code, Section 924(d)(1), made applicable through Title 28, United States Code, Section 2461(c).

2. As a result of the offense alleged in Count 1, the defendant, **FELIPE ALVAREZ-CERVANTES, a/k/a Felipe Cervantes, a/k/a Jose Garciamata, a/k/a Jesus Alvarez Vazquez, a/k/a Victor Gallegscorona, a/k/a Daniel Hernandez Bareda, a/k/a Daniel Bareda Hernandez**, shall forfeit to the United States pursuant to Title 18, United States Code, Section 924(d)(1), made applicable through Title 28, United States Code, Section 2461, any firearm or ammunition, which was involved in or used in a knowing violation of Title 18, United States Code, Section 922, as alleged in Count 1 of this Indictment.

3. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:

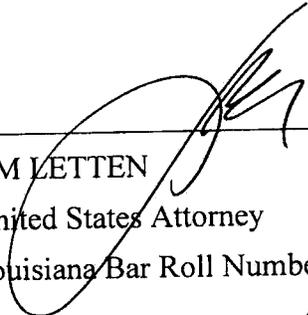
- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;

- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

All in violation of Title 18, United States Code, Sections 922 and 924(d)(1), made applicable through Title 28, United States Code, Section 2461.

A TRUE BILL:

  
\_\_\_\_\_  
JIM LETTEN

United States Attorney

Louisiana Bar Roll Number 8517

  
\_\_\_\_\_  
JAN MASELLI MANN

First Assistant U.S. Attorney

Louisiana Bar Roll Number 9020

  
\_\_\_\_\_  
JOSEPH LA ROCCA

Special Assistant United States Attorney

Louisiana Bar Roll Number 27719

New Orleans, Louisiana

December 1, 2011

\_\_\_\_\_  
FOREPERSON